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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 KELLY MIREE PETERSON,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

13 Defendant.
14

CASE NO. 3:15-cv-05404 JRC

ORDER GRANTING
UNOPPOSED MOTION FOR
ATTORNEY'S FEES PURSUANT
TO 42 U.S.C. § 406(b)

15 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
16 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
17 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

18 This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. §
19 406(b) (*see* Dkt. 25). Defendant has no objections to plaintiff's motion (*see* Dkt. 26).

20 The Court may allow a reasonable fee for an attorney who represented a Social Security
21 Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in
22 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*
23 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first
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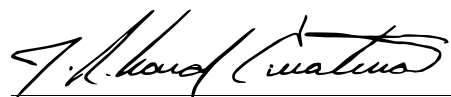
1 to such agreement and will conduct an independent review to assure the reasonableness of the
2 fee requested, taking into consideration the character of the representation and results achieved.
3 *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the
4 fee agreement is the primary means for determining the fee, the Court will adjust the fee
5 downward if substandard representation was provided, if the attorney caused excessive delay, or
6 if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151
7 (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

8 Here, the representation was standard, at least, and the results achieved excellent (*see*
9 Dkt. 25, Attachment 2). *See Grisbrecht, supra*, 535 U.S. at 808. Following a stipulated remand
10 from this Court for further consideration (*see* Dkt. 21), plaintiff was awarded benefits. There has
11 not been excessive delay and no windfall will result from the requested fee.

12 Plaintiff's total back payment was \$82,996.50 (*see* Dkt. 25, Attachment 2, p. 5). Plaintiff
13 has moved for a net attorney's fee of \$16,762.07 (*see* Motion and Memorandum, Dkt. 25, p. 6),
14 and the Court has considered plaintiff's gross attorney's fee of \$20,741.63 and the EAJA award
15 received by plaintiff's attorney in the amount of \$3,979.56. *Parish v. Comm'r. Soc. Sec. Admin.*,
16 698 F.3d 1215, 1221 (9th Cir. 2012).

17 Based on plaintiff's unopposed motion and supporting documents (*see* Dkt. 25,
18 Attachments 1, 2), it is hereby ORDERED that a gross attorney's fee of \$20,741.63, with a net
19 attorney's fees in the amount of \$16,762.07, be awarded to plaintiff's attorney pursuant to 42
20 U.S.C. § 406(b), after the EAJA award of \$3,979.56 is subtracted from the gross amount.

21 Dated this 2nd day of November, 2017.

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24 J. Richard Creatura
United States Magistrate Judge